

AMENDMENT

Kindly amend the application, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents as follows:

IN THE DRAWINGS:

Kindly amend the drawings, without prejudice, without admission, without surrender of subject matter, and without any intention of creating any estoppel as to equivalents as follows:

Kindly replace previously filed Figures 1, 3 and 7 with the enclosed replacement sheets depicting Figures 1, 3 and 7.

REMARKS

The Notice of Non-Compliant Amendment required submission of replacement figures because of the following:

- (i) the drawings were not identified as "Replacement Sheet", "New Sheet" or "Annotated Sheet"; and,
- (ii) replacement drawings showing amended figures, without markings showing amendments, were required.

It is respectfully submitted that the figures submitted herewith are in compliance with the above requirements. The enclosed figures are labeled as "Replacement Sheet". However, as to the requirement that the figures not contain markings depicting amendments, it is respectfully submitted that the figures provided on October 8, 2004 did not include such markings, and, the enclosed figures do not include such markings. Rather, any appearance of underlining in the figures is a part of the figures themselves, e.g., part of a depicted arrow, and does not signify amendments to the figures.

Accordingly, as the enclosures herein meet all of the requirements of the Notice, it is respectfully requested that the Notice of Non-Compliant Amendment be reconsidered and withdrawn. Applicants look forward to a prompt and favorable examination of the application on the merits.

The undersigned looks forward to favorable examination of the pending claims on the merits.

Respectfully submitted,

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,781	11/17/2003	Sheena May Loosmore	454313-3161.5	2429
20999	7590	09/26/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			MOSHER, MARY	
			ART UNIT	PAPER NUMBER
			1648	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED

2005 SEP 29 A 10:27
FROMMER, LAWRENCE
& HAUG, LLP

OCT 24 2005
Notice of Non-Compliant
Amendment (37 CFR 1.121)

Application No.

10/714,781

Applicant(s)

Loosmore et al.

Examiner

Mosher, M.

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 10.08.04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
- ☒ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☒ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☐ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: _____.
- ☐ 5. The amendment is unsigned or not signed in accordance with 37 CFR 1.4.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given no new time period if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire corrected amendment must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given one month, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the corrected section of the non-compliant amendment in compliance with 37 CFR 1.121 or 1.4, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Caryn E. Thomas

Legal Instruments Examiner (LIE)

571-272-0558

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